IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 311 OF 2002
IN
CIVIL REVISION APPLICATION (ST) NO. 25010 OF 2002

Maharudrappa Shivyogiappa Vibhute ...Applicant

Versus

Rudresh Shivling Malage & Ors ...Respondents

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Mr. P.M. Arjunwadkar h/f Mr. G.S. Godbole, counsel for Applicant.

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CORAM: B. H. MARLAPALLE, J.

DATED: 20TH JULY, 2005

P. C.:-

1. Heard.

2. This is an application for condonation of delay in filing Civil Revision Application under Stamp No. 25010 of 2002. It appears that the order impugned in the C.R.A. was initially challenged in writ petition No.3813 of 2001 and the said petition was disposed of on 19.6.2002. This Court was of the opinion that though the impugned order was passed in the Revision by the Sub Divisional Officer under the Mamlatdar Court Act, the Revision under Section 115 of C.P.C. was maintainable since the Collector exercising the power under Section 23 of the Code. Hence, the Civil

Revision Application referred to above came to be filed within the stipulated time of four weeks.

3. Explanation furnished above makes out a case that the Civil Revision Application has been filed in time and this application appears to have been filed by way of formality. Hence, delay, if any, is condoned. Application is allowed.

4. List the Civil Revision Application for admission on 16.8.2005.

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